

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE: VALSARTAN N-  
NITROSODIMETHYLAMINE (NDMA)  
CONTAMINATION PRODUCTS  
LIABILITY LITIGATION

Civil No. 19-2875 (RBK/JS)

**CASE MANAGEMENT ORDER NO. 12**

The Court having held a discovery conference on August 14, 2019; and the Court also setting new scheduling deadlines; and this Order intending to confirm the Court's rulings; and for all the reasons stated by the Court on the record,

**IT IS HEREBY ORDERED** this 16<sup>th</sup> day of August, 2019, as follows:

1. By September 16, 2019, defendants shall produce the facility, corporate organization, and ANDA information agreed to by the parties.

2. The Court reluctantly grants plaintiffs leave to take the Fed. R. Civ. P. 30(b)(6) depositions of Hetero and Aurobindo regarding whether they have "possession, custody, or control" of the documents/ESI listed in paragraph 6 ("core discovery") of the Court's April 29, 2019 Order [Doc. No. 88]. The deposition notices shall be served by September 6, 2019. Any objections shall be served by September 20, 2019. Any disputes shall be presented to the Court to be decided at the September 25, 2019 in-person conference. The noticed depositions shall be taken before October

31, 2019. Plaintiffs are granted leave to file motions to compel discovery, to be filed no later than November 15, 2019.

3. Plaintiffs' request that defendants supplement their list of responsive Bates numbers is DENIED.

4. By September 16, 2019, defendants shall produce their ANDA's to plaintiffs in eCTD format. The parties shall meet and confer before the production in an effort to reduce any undue burden or cost to defendants to produce their ANDA's in eCTD format. Defendants are granted leave to file motions requesting plaintiffs to pay the additional costs to produce their ANDA's.

5. CMO No. 10 [Doc. No. 141] is hereby amended to reflect that plaintiffs are granted an extension of time until August 30, 2019 to serve the document requests listed in ¶1 of the CMO. Defendants' objections shall be served by October 15, 2019. By November 27, 2019, the parties shall complete their meet and confer obligations and serve simultaneous letter briefs regarding discovery disputes to be decided, with responses to be served by December 6, 2019. All discovery disputes will be addressed at an in-person conference with Magistrate Judge Schneider to be held on December 11, 2019 at 10:00 a.m. in Courtroom 3C.

6. By September 16, 2019, plaintiffs shall serve their first proposed list of ESI search terms. By the same date defendants shall serve their first proposed list of custodians to search. By October 15, 2019, the parties shall exchange proposed

additions/deletions to their lists. Thereafter, the parties shall meet and confer to finalize their lists.

7. At the December 11, 2019 in-person conference, the Court intends to decide all discovery disputes and to finalize and approve plaintiffs' document requests and the custodians and search terms to be used for defendants' ESI production.

8. The next scheduled conference call with Magistrate Judge Schneider is September 11, 2019 at 4:00 p.m. The next scheduled in-person conference with Magistrate Judge Schneider is on September 25, 2019 at 10:00 a.m. in Courtroom 3C, and with The Honorable Robert B. Kugler at 1:30 p.m. in Courtroom 4D.

s/ Joel Schneider  
JOEL SCHNEIDER  
United States Magistrate Judge